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March 25, 2003

BY ELECTRONIC CASE FILING

Hon. J. Frederick Motz
United States District Court
Garmatz Courthouse
101 West Lombard Street
Baltimore, MD 21201

Re: Fidelity & Deposit v. Telmark et al., Case No. JFM 03 CV 0266

Your Honor:

I represent Fidelity and Deposit, Plaintiff in the above captioned action. On Friday, March 21, 2003, Defendants filed their Reply and Reply Declaration to Plaintiff's Opposition to Defendants' Motion to Dismiss or Transfer in this case. In support of Defendants' argument for transfer, counsel for Defendants declared that an adversary proceeding had been commenced against Fidelity and Deposit in the United States Bankruptcy Court in the Northern District of New York and, as an exhibit, appended an undated and unsigned copy of a Complaint prepared for that purpose.

The Complaint in the adversary proceeding in the Bankruptcy Court for the Northern District of New York was filed on March 20, 2003, the day before Defendants' Reply was filed in this case. Fidelity and Deposit had not been served with summons and had no knowledge of this development until Monday, March 24, when I received service of the Reply papers in this action.

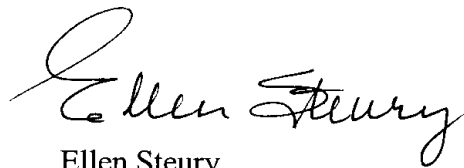
Fidelity and Deposit requests an opportunity through a sur-reply to respond to this surprise development that Defendants have employed to bolster their bid for transfer. Obviously, Fidelity and Deposit had no opportunity to address this issue in its Opposition, as it was completely unaware of Defendants' plans to commence a counter-action in another court. Fidelity and Deposit believes that Defendants' last-minute maneuver raises significant

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jurisdictional and procedural issues that should be addressed before the Court rules on Defendants' Motion.

Accordingly, I respectfully request permission to file a sur-reply no later than April 7, 2003.

Respectfully submitted,



Ellen Steury